

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOWARD KATZ,

Plaintiff,

07 Civ. 8314(PKC)

-against-

ORDER

JOE ROBERT MOGUS, et al.
Defendants.

-----x
P. KEVIN CASTEL, U.S.D.J.

On May 19, 2008, Magistrate Jude Kevin Nathaniel Fox issued a Report and Recommendation (the "R & R") recommending that the motions to dismiss of defendant Joe Robert Mogus be denied. June 6, 2008 was the date for the timely filing of objections to the R & R. On June 4, 2008, at defendant's request, I extended the time to file objections to the R & R to June 20, 2008. To date, no objections have been received.

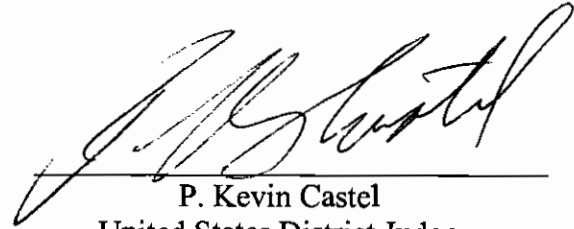
Although "a party generally waives judicial review of an issue when he or she fails to make timely objection to a magistrate judge's report, . . . [t]his rule . . . is a nonjurisdictional waiver provision, and its violation may be excused in the interests of justice." DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000) (citations omitted). See also United States v. Male Juvenile, 121 F.3d 34, 39 (2d Cir. 1997). "Even if neither party objects to the magistrate's recommendation, the district court is not bound by the recommendation of the magistrate." DeLeon, 234 F.3d at 87 (citation and internal quotations omitted).

The interests of justice do not require a de novo review of this R & R. This is a money damage action arising out of an unpaid debt relating to a gold ring. I have reviewed

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Magistrate Judge Fox's R&R and it is well-reasoned and grounded in the correct principles of law. It is adopted in its entirety. Defendant's motions to dismiss (Docket #s 15, 16 and 17) are denied.

SO ORDERED.

A handwritten signature in black ink, appearing to read "P. Kevin Castel", is written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
June 30, 2008